

Appl. No. 10/661,793
Amdt. dated 12/12/2007
Response to Office Action of 10/15/2007

Attorney Docket No.: TS01-1037
N1085-90149

REMARKS/ARGUMENTS

Claims 8-17 were previously pending in this application. Claims 12-14 were allowed and claims 8-11 and 15-17 were rejected. No claim amendments are filed herein.

5 Applicants and their undersigned representative thank the Examiner for the opportunity given Applicants' undersigned representative, Mark J. Marcelli, to discuss the claimed invention in a telephonic Examiner interview that took place on November 5, 2007.

10 Applicants respectfully request allowance of each of pending claims 8-11 and 15-17 in addition to previously-allowed claims 12-14.

This paper is filed further to the Interview Summary, covering the aforementioned Examiner interview, and which was mailed on November 11, 2007.

I. Allowable Subject Matter

15 Applicants acknowledge with appreciation the Examiner's indication in paragraph 3 of the Office action, that claims 12-14 are allowed.

20 Although not explicitly referred to as allowable subject matter, Applicants further acknowledge with appreciation the Examiner's comments in the Interview Summary, that "It is agreed that the Mui et al. reference does not specifically teach or suggest a feedback mechanism that communicating with the means for creating an opening." This is further to the subject Office action in which the claims had only been rejected in view of the Mui reference and which had previously asserted that Mui taught this feature, as addressed below.

II. Rejection of Claims 8-11 and 15-17 Under 35 U.S.C. § 102(e)

25 In paragraph 2 of the subject Office action, claims 8-11 and 15-17 had been rejected under 35 U.S.C. § 102(e) as being anticipated by Mui et al. (U.S.P.N.

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6,924,088), hereinafter "Mui". Applicants respectfully submit that these claim rejections are overcome.

Importantly, in the aforementioned November 5, 2007 Examiner interview and as in the Interview Summary mailed on November 11, Examiner Nguyen acknowledged that the pending claims, as amended on July 24, 2007, are distinguished from the Mui reference.

The claims are distinguished for reasons set forth in Applicants' previously filed Response of July 24, 2007. Briefly and in summary, the claimed invention includes a feedback mechanism that communicates with the means for creating an opening through a layer of etch resist material whereas the Mui reference does not. In contrast, the Mui reference does not provide any feedback to the means for creating the opening through the etch resist material but, rather, accepts the opening created through the etch resist material as received, and then communicates with the trimming and etching processes to adjust these processes if necessary based on the given and uncorrectable critical dimension, CD, of the opening created through a layer of etch resist material.

As such, the rejection of claims 8-11 and 15-17 under 35 U.S.C. § 102(e) as being anticipated by Mui, should be withdrawn.

III. Additional Notes On Matters Discussed in Examiner Interview

In the aforementioned Examiner interview, the clarity and definiteness of claim 8 was discussed. Applicants respectfully submit that presently pending claim 8 is sufficiently clear and definite and complies with the definiteness requirements of 35 U.S.C. § 112. Claim 8 recites the feature of:

an opening through a layer of etch resist material provided over the surface of a layer of insulating material having been deposited over the surface of a substrate;

means, including a feedback mechanism, for assuring that the obtained critical dimension measurement of said opening

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created through said layer of etch resist material is within design specification; and

means for creating an opening through said layer of insulation material, whereby a diameter of said opening through said layer of insulation material is dependent on a diameter of said opening created through said layer of etch resist material.

Applicants respectfully submit that it is clear and inherent that the means for creating the opening through the insulation material layer must follow the creation of the opening through the layer of etch resist material because it is intuitive that an opening formed in an insulation layer beneath an etch resist material cannot be dependent upon an opening formed in the overlying etch resist material if the opening in the etch resist material has not yet been formed at the time the opening in the insulation material layer is being formed. It is absolutely inherent that the opening formed in the insulation material follows the opening formed in the etch resist material and, as such, further clarifying language is not needed.

Although only claim 8 was discussed in the aforementioned Examiner Interview, the Interview Summary suggests the amendment of "claims 8, 15 and 16" "for clarification". Applicants respectfully submit that claims 15 and 16 are similarly clear and definite for the same principles and comply with the definiteness requirements of U.S.C. § 112.

Applicants further submit the claim 8 feature of:

means, including a feedback mechanism, for assuring that the obtained critical dimension measurement of said opening created through said layer of etch resist material is within design specification, said feedback mechanism communicating with said means for creating an opening through a layer of etch resist material to control said critical dimension measurement of said opening.

Applicants respectfully submit that the feature of "assuring" is sufficiently definite and that this inherently covers the scenario in which the opening is originally within

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design specification and the scenario in which the original opening is not within design specification but must be reworked or corrected as described in this specification and illustrated in the figures, to provide a critical dimension in the etch resist material that is within design specification. Applicants also point out that support for this scenario of reworking - "correcting" an initial opening that is outside of design specification, is also supplied in dependent claim 17. Applicants therefore respectfully submit that the conditions of 35 U.S.C. § 112 for *particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention* do not require claim 8 to recite in detail each condition under the penumbra of the recitation of "assuring" that the obtain critical dimension measurement of the opening created through the layer of etch resist material is within design specification. Applicants respectfully submit that claim 8 is sufficiently definite within the requirements of 35 U.S.C. § 112.

Although only claim 8 was discussed in the aforementioned Examiner Interview, in view of the comment in the Interview Summary, Applicants offer that claims 15 and 16 also recite:

means.....for.....assuring that said critical dimension is within design specification (claim 15)

means.....for creating an opening...such that the opening has a critical dimension that is within design specification (claim 16); and

said feedback mechanism communicating with said means for creating an opening through a layer of etch resist material to control said critical dimension measurement of said opening (claims 15 and 16).

Applicants respectfully submit that such features and therefore claims 15 and 16 are sufficiently clear and definite and comply with the definiteness requirements of 35 U.S.C. § 112.

If the Examiner believes that further amendment would help to clarify the claims, Applicants invite the Examiner to contact their undersigned representative, Mark J.

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Marcelli, by telephone at 619-744-2243 so that suitable claim language can be identified.

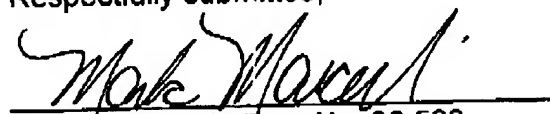
CONCLUSION

Based on the foregoing, each of pending claims 8-17 is in allowable form and the application in condition for allowance, which action is respectfully and expeditiously requested.

The Assistant Commissioner for Patents is hereby authorized to charge any fees necessary to give effect to this filing and to credit any excess payment that may be associated with this communication, to Deposit Account 04-1679.

Respectfully submitted,

Dated: December 12, 2007


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